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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,115	11/18/1999	MASAHIKO MURATA	862.3138	6777

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EXAMINER	
WALLERSON, MARK E	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/443,115	MURATA ET AL.	
	Examiner	Art Unit	
	Mark E. Wallerson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/5/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **8/5/2004.**

2. This application has been reconsidered. Claims 1-13 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claims 1, 10 and 13, there is no disclosure in the original specification for "execut[ing] a rendering including a process which overwrites foreground data generated in accordance with the common data" as claimed in independent claims 1, 10 and 13. applicant provided alleged support for this subject matter on page 9, line 21 to page 10, line 14 and page 11 lines 9-19. However, the Examiner does not believe that these areas provide support for the newly added subject matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim1, 4, 5, 6, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tai (U.S. 6,466,331) in view of Richens et al (Richens) (U.S. 6,226,000).

With respect to claims 1, 4, 5, 10, and 13, Tai discloses an image processing apparatus (figure 2) comprising a plurality of rendering sections (140 and 150) arranged to respectively render color component data (column 6, lines 1-6) on the basis of data common to the respective color components (the scanned document), wherein each rendering section receives the common data and renders the common data into one of the color components images as a red, green or blue color component image (figure 2 and column 7, lines 26-36), and a converter (160) to convert the rendered color images into images for printing (column 9, line 62 to column 10, line 25).

Tai differs from claims 1, 10, and 13 in that he does not clearly disclose that executing the rendering including a process which overwrites foreground data generated in accordance with the common data.

Richens discloses a rendering process that includes a process which overwrites foreground data generated in accordance with the common data (column 23, lines 25-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified Tai wherein rendering includes a process which overwrites foreground data generated in accordance with the common data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Tai by the teaching of Richens in order to improve the editing process.

With respect to claim 6, Tai discloses a delay section to compensate for timing differences in forming the color component images in the print engine (column 2, lines 14-24).

7. Claims 2, 3, 7, 8, 9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tai in view of Richens as applied to claim1 and 10 above, and further in view of Kawamoto.

With respect to claims 2, 3, 11, and 12, Tai differs from claims 2, 3, 11 and 12 in that he does not clearly disclose the rendering devices comprise a memory having a capacity large enough to render at least a two band color component image obtained by dividing a page into bands. Kawamoto discloses plural rendering devices comprising memory large enough to render at least a two-band color component image obtained by dividing a page image into bands (column 6, lines 51-67 and column 8, lines 40-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Tai wherein the page is divided into bands. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Tai by the teaching of Kawamoto in order to improve the processing speed.

With respect to claims 7, 8, and 9, Tai differs from claims 7, 8, and 9 in that he does not clearly disclose the common data is made up of a display list and print element data. Kawamoto

discloses the color component is made up of a display list and print element data (image data) (column 10, line 20 to column 11, line 55), wherein the display list is a list of print elements obtained by dividing a print image and arranged in an order of occurrence (column 10, line 64 to column 11, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Tai wherein the common data is made up of a display list and print element data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Tai by the teaching of Kawamoto in order to more clearly define the input image stream.

Response to Arguments

8. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson
Primary Examiner
Art Unit 2626

MARK WALLERSON
PRIMARY EXAMINER